

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEWAYNE BROOKS,

Defendant.

No. CR19-93-JLR

~~(PROPOSED)~~ ORDER CONTINUING
TRIAL DATE

The Court, having discussed the matter with Mr. Brooks and his counsel on the record in open court, finds that:

1. Mr. Brooks was arraigned on October 16, 2019 on a ten-count indictment charging him with bank fraud, access device fraud, and aggravated identity theft. Jury trial was initially set for December 23, 2019.

2. On November 25, 2019, counsel for Mr. Brooks filed an ex-parte motion, discussing, among other things, issues related to the status of representation and potential continuance of the trial date. This Court set a status conference hearing for December 6, 2019.

3. At the hearing, Mr. Brooks indicated on the record that he would like to proceed with his current counsel. Mr. Brooks also indicated on the record that he wished to continue his trial date to January 2, 2020 and orally waived, with the assistance of his counsel, his speedy trial right through January 2, 2020. Following an

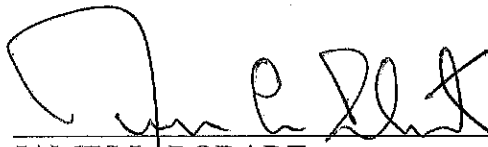
1 inquiry on the record, the Court found that Mr. Brooks knowingly, intelligently, and
2 voluntarily waived his speedy trial right and accepted the waiver.

3 4. The Court also determined, having considered the complexity of the case,
4 the volume of discovery, and the limited amount of time defense counsel had had to
5 conduct independent investigation and prepare for the trial, that the ends of justice
6 served by continuing the trial date from December 23, 2019 to January 2, 2020
7 outweigh the best interest of the public and the defendant in a speedy trial, and that the
8 failure to grant such a continuance would result in a miscarriage of justice and deny the
9 defendant the reasonable time necessary for effective preparation, taking into account
10 the exercise of due diligence. 18 U.S.C. §3161(h)(7)(A), (B)(i), and (B)(iv).

11 6. The Government, represented by Assistant United States Attorney
12 Seungjae Lee, did not object to this request for a continuance.

13 In light of the foregoing, the Court orders the trial date to be continued to
14 January 2, 2020. The Court also finds that the period of delay resulting from this
15 continuance from December 23, 2019 through January 2, 2020, is excluded for speedy
16 trial purposes under 18 U.S.C. § 3161(h)(7).

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18 IT IS SO ORDERED this 11th day of Dec., 2019.

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22 JAMES L. ROBART
UNITED STATES MAGISTRATE JUDGE

23 Presented by:

24 s/ Seungjae Lee

25 Assistant United States Attorney
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